



FACT Sheet

Children's Administration

WASHINGTON STATE DEPARTMENT OF SOCIAL & HEALTH SERVICES

What is the legal definition of child abuse or neglect?

Child abuse or neglect is the injury, sexual abuse, or sexual exploitation of a child by any person under circumstances which indicate that the child's health, welfare, or safety is harmed, or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section. WAC 388-15-009.

Physical Abuse: Physical abuse is an injury to a child that is not accidental. It includes the following: hitting a child with a closed fist; shaking a child under three years old; interfering with a child's breathing; throwing, kicking, burning or cutting a child; or causing harm to a child that is greater than transient pain or minor temporary marks.

Negligent Treatment: Neglect is an act or failure to act that shows a serious disregard of the consequences to a child and creates a clear and present danger to the child's health, welfare, or safety. It may include the following: not providing adequate food, clothing, or medical/dental care; not protecting a child from someone who abuses the child; leaving a child alone or with someone who is not able to care for him or her; driving while intoxicated with an unrestrained child in the car; and failing to supervise children who are as a result exposed to danger.

Legal definition of child abuse or neglect, continued on page 2

Child Dependency

Child Protective Services

Child Protective Services is a specialized part of the child welfare system. It focuses on families in which a child has been identified as a victim of or in danger of child abuse or neglect. This also may be called child maltreatment. State laws require child protective services agencies to do the following:

- take reports from people who believe a child has been abused or neglected
- find out if abuse or neglect has taken place
- ensure that there is a plan in place to keep children safe
- provide services to families to ensure their children's safety

What is Protective Custody?

When a child is in present danger due to abuse, neglect, or abandonment a social worker with a court order or a police officer may place a child into protective custody. A child may not remain in protective custody for more than 72 hours (excluding weekends and holidays) without a court hearing.

What is out-of-home placement?

Most often, when abuse or neglect is reported to CPS, children are not removed from their homes. Children are placed away from their parents only when it becomes necessary to protect them from present danger or continuing abuse or neglect.

A fit and willing relative is the preferred placement for a child. If no appropriate relative is available, the child will be placed in a licensed foster home. Licensed foster parents provide care for children and receive monthly reimbursement payments to help cover the cost of caring for the child. The child's assigned social worker monitors the out-of-home placement to ensure the child's safety and well-being.

Some children live with challenging physical, mental health or behavioral problems and cannot always live in a family setting. These children may be placed in a group home or in a treatment facility that is better equipped to care for a child who requires a higher level of care for their physical, mental health or behavioral challenges.



FACT Sheet

WASHINGTON STATE DEPARTMENT OF SOCIAL & HEALTH SERVICES

Legal definition of child abuse or neglect, *continued*

Abandonment:

(WAC 388-15-011) A parent or guardian abandons a child when the parent or guardian is responsible for the care, education or support of a child and deserts the child with the intent to abandon the child. Abandonment is also when a parent leaves a child without the means or ability to obtain one or more of the basic necessities of life, such as: food, water, shelter, hygiene, and medically necessary health care or forgoes for an extended period of time parental rights, functions, duties and obligations despite an ability to do so.

Sexual Abuse:

Sexual Abuse is purposely touching the intimate parts of a child or requiring a child to touch the intimate parts of any person either directly or through clothing to gratify any sexual desire. Parents and guardians may touch the intimate parts of a child as necessary and appropriate for cleaning, care, and medical reasons.

Sexual exploitation:

Allowing or causing a child to engage in prostitution is sexual exploitation as is allowing a child to see or participate in pornographic activity.

There are other actions that can be considered types of child abuse and neglect and, in each case, it must be considered whether the child's health, safety, or welfare has been harmed or is at risk of harm.

Child Dependency

What is dependency?

Dependency is a legal status that may be ordered for a child by a court. The Children's Administration or any person may file a petition asking a court to find a child dependent when a child:

- has been abandoned;
- is abused or neglected; and/or
- has no parent, guardian, or custodian capable of caring for the child such that there is danger of substantial damage to the child's psychological or physical development.

The court holds a hearing to decide if one or more of these reasons for dependency exist. If so, then the court finds the child to be dependent and also decides whether the child should be in his or her own home or placed in another home, what visits or contacts parents may have with the child, and what services the parents must complete to safely parent the child. Once a child is found dependent, the court holds dependency review hearings at least every six months to see how well the plan to reunite the family is progressing, to consider whether to adopt a different plan, and to decide whether the court needs to continue to be involved.

Parents' rights during dependency:

Parents have the right to be notified in a timely fashion if their child is placed in protective custody. In dependency proceedings, parents have the right to:

- visit with their child unless the court decides it is not safe;
- have an attorney appointed to them if they cannot afford one;
- be notified of and attend court hearings;
- know what is happening with their case and their child's progress;
- have access to remedial services; and
- have information in their language.

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